APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/042,100	01/08/2002	Michele Crudele	GB920000117US1	6903

			EXAMINER
50170	7590	04/24/2006	JEAN GILLES, JUDE

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ART UNIT	PAPER NUMBER
2143	

DATE MAILED: 04/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 March 2006*.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) *21* is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☒ Claim(s) *4-7* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *26 November 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

DETAILED ACTION

This Action is in regards to the Reply received on 03/15/2006.

Response to Amendment

1.   This action is responsive to the application filed on 03/15/2006. No claims are amended. Claims 1-21 are pending. Claims 1-21 represent a method and apparatus for "distributing software features to a computer".

Response to Arguments

2.   Applicant's arguments with respect to claims 1, 11, 12, and 13 have been carefully considered, but are not deemed fully persuasive. Applicant's arguments are deemed moot in view of the following new ground of rejection as explained here below, necessitated by Applicant remarks (i.e., the prior art reference does not teach a method wherein distributing software features to a computer wherein the plurality of different user profiles includes a first user profile for a first user of the computer and a second user profile for a second user of the computer) filed on 03/15/2006.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 1, and 11-20** are rejected under 35 U.S.C. 102(e) as being anticipated by

Hoyle (hereinafter Hoyle), Patent No. 6,771,290 B1.

Regarding **claim 1**, Hoyle teaches a method of distributing software features to a

computer being accessible with a plurality of different user profiles each one associated

with a corresponding operating context (*fig. 1; column 12, lines 24-27; column 3, lines 1-

14*), the method including the steps of:

providing a distribution package including at least one item indicative of an

activity for enforcing a corresponding software feature on the computer, at least one

activity being defined as a user activity associated with at least one user profile, storing

an indication of the at least one user activity on the computer, accessing the computer

with a current user profile (*column 12, lines 39-67; column 13, lines 1-11*), and

retrieving and executing each user activity associated with the current user

profile in the corresponding operating context (*column 13, lines 3-25*).

Regarding **claim 11**, the combination Hoyle teaches a software distribution

application for use in a computer being accessible with a plurality of different user

profiles each one associated with a corresponding operating context (*column 4, lines 7-

61*), the software distribution application including a distribution agent for receiving a

distribution package including at least one item indicative of an activity for enforcing a

corresponding software feature on the computer, at least one activity being defined as a

user activity associated with at least one user profile and for storing an indication of the

at least one user activity on the computer, and a user agent for retrieving and executing

each user activity associated with a current user profile in the corresponding operating

context (*column 12, lines 39-67; column 13, lines 3-25*).

Regarding **claim 12**, the combination Hoyle discloses a system for distributing software features to a computer being accessible with a plurality of different user profiles each one associated with a corresponding operating context the system including means for providing a distribution package including at least one item indicative of an activity for enforcing a corresponding software feature on the computer), at least one activity being defined as a user activity associated with at least one user profile, means for storing an indication of the at least one user activity on the computer, means for accessing the computer with a current user profile, and means for retrieving and executing each user activity associated with the current user profile in the corresponding operating context (*column 12, lines 39-67; column 13, lines 3-25*).

Regarding **claim 13**, the combination Hoyle teaches a system for distributing software features to a computer being accessible with a plurality of different user profiles each one associated with a corresponding operating context, the computer including a distribution agent for receiving a distribution package including at least one item indicative of an activity for enforcing a corresponding software feature on the computer, at least one activity being defined as a user activity associated with at least one user profile, and for storing an indication of the at least one user activity on the computer, a logon module for accessing the computer with a current user profile, and a user agent for retrieving and executing each user activity associated with the current user profile in the corresponding operating context (*column 12, lines 39-67; column 13, lines 3-25*).

Regarding **claim 14**, the combination Hoyle teaches the invention substantially

as claimed. Aronberg discloses the method of claim 1, but does not specifically teach in

detail a method wherein the plurality of different user profiles includes a first user profile

for a first user of the computer and a second user profile for a second user of the

computer, and wherein the distribution package includes a first item indicative of a first

user activity for enforcing a corresponding software feature on the computer for the first

user profile and a second item indicative of a second user activity for enforcing a

corresponding software feature on the computer for a second user profile(*column 12,

lines 39-67; column 13, lines 3-25*).

Regarding **claim 15**, the combination Hoyle teaches the method of claim 14,

wherein the first user activity and the second user activity are different (*column 12, lines

39-67; column 13, lines 3-25*).

Regarding **claim 16**, the combination Hoyle teaches the method of claim 14,

wherein the first user activity is to enable a first software product on the computer for

the first user profile, the second user activity is to enable a second software product on

the computer for the second user profile, and wherein the first software product is not

enabled on the computer for the second user profile Hoyle(*column 12, lines 39-67;

column 13, lines 3-25*).

Regarding **claim 17**, the combination Hoyle teaches the system of claim 12,

wherein the plurality of different user profiles includes a first user profile for a first user

of the computer and a second user profile for a second user of the computer, and

wherein the distribution package includes a first item indicative of a first user activity for

enforcing a corresponding software feature on the computer for the first user profile and

a second item indicative of a second user activity for enforcing a corresponding

software feature on the computer for a second user profile for enforcing a corresponding

software feature on the computer for a second user profile (*column 12, lines 39-67;*

column 13, lines 3-25).

Regarding **claim 18**, the combination Hoyle teaches the system of claim 17,

wherein the first user activity and the second user activity are different (*column 12, lines*

39-67; column 13, lines 3-25).

Regarding **claim 19**, the combination Hoyle teaches the system of claim 17,

wherein the first user activity is to enable a first software product on the computer for

the first user profile, the second user activity is to enable a second software product on

the computer for the second user profile, and wherein the first software product is not

enable on the computer for the second user profile (*column 12, lines 39-67; column 13,*

lines 3-25).

Regarding **claim 20**, the combination Hoyle teaches the computer program of

claim 9, wherein the plurality different user profiles includes a first user for a first user of

the computer and a second user profile for a second user of the computer, and wherein

the distribution package includes a first item indicative of a first user activity for

enforcing a corresponding software feature on the computer for the first user profile and

a second item indicative of a second user activity for enforcing a corresponding

software feature on the computer for a second user profile (*column 12, lines 39-67;*

column 13, lines 3-25).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

6. **Claims 2, 3, and 8-10** are rejected under 35 U.S.C. 103(a) as being unpatentable

over Hoyle, in view of Austin et al (Austin) U.S. Patent No. 5,781,711.

Regarding **claim 2**, the combination Hoyle teaches the invention substantially as

claimed. Hoyle discloses the method of distributing software features according to

claim 1, wherein at least one activity is defined as a global activity associated with all

the user profiles. However, Hoyle does not disclose a a method that further including

the steps of: running a global agent outside the context associated with the current user

profile, executing each global activity under the control of the global agent, running a

user agent in an computer system during a logon to the computer with the current user

profile, each user activity being retrieved and executed under the control of the user

agent.

In the same field of endeavor, Austin discloses "... *a database, communicating*

with said document agent, for storing a plurality of user profiles with each user profile

including a network attribute set for each of the network users, each attribute in each

network user attribute set having a corresponding value indicating one of the network

user's preferences with respect to a manner in which a set of image data is to be

stored or processed by the document processing system; and prior to transmitting

copies of the first and second job tickets from said document agent to said document

manager, said distribution agent automatically designating, by reference to the

database, a value to be provided for those attributes lacking a client programmed value

..." [*see Austin, column 6, lines 19-42*].

Accordingly, it would have been obvious to one of ordinary skill in the networking

art at the time the invention was made to have incorporated Austin's teachings of a

method of using a global and a user agent associated with the user profile, with the

teachings of Hoyle, for the purpose of "...*providing a very portable system that allows*

for downloading and use of a variety of software related information from a wide number

of locations and a wide number of devices... " as stated by Hoyle in lines 46-50 of

column 8. By this rationale **claim 2** is rejected.

Regarding **claim 3**, the combination Hoyle-Austin teaches the method according

to claim 2, wherein the global agent runs on the computer in a logoff condition [*see*

Hoyle; column 13, lines 13-40].

Regarding **claim 8**, the combination filed on Hoyle-Austin the method according

to claim 1, wherein the computer is a client workstation of a network, the method further

including the step of receiving the distribution package on the client workstation from a

server workstation through the network [see Hoyle, fig. 1, items 10, and 22; column 6,

lines 45-61].

Regarding **claim 9**, the combination Hoyle-Austin teaches a computer program

directly loadable into a working memory of a computer for performing the method of
claim 1 when the program is run on the computer [see Hoyle, column 6, lines 22-61].

Regarding **claim 10**, the combination Hoyle-Austin teaches a program product
including a computer readable medium on which the program of claim 9 is stored [see
Hoyle, column 6, lines 22-61].

Allowable Subject Matter

7.   **Claims 4, 5, 6, and 7** are objected to as being dependent upon a rejected base
claim, but would be allowable if rewritten in independent form including all of the
limitations of the base claim and any intervening claims.

Allowed claims

8. **Claim 21** below is ALLOWED.

An apparatus for distributing software features to a workstation, wherein the
workstation is accessible by using one of a plurality of user profiles associated with the
workstation, and wherein the user profiles have associated operating context for
defining an execution environment of the workstation; comprising:

a logon module that controls access to the workstation to thereby initiate an
operating context for a current user profile;

. a network interface for receiving, from a provider of a software distribution
package, a software distribution package that includes a list of items for enforcing a
software feature on the workstation, each item having a first field which defines an

activity consisting of one or more instructions to be carried out for reaching a desired

software configuration, a second field that defines the activity as a global or user

activity, and one or more files for enforcing the software feature;

a distribution agent that runs outside any operating context associated with user

profiles of the plurality of user profiles;

a global catalogue module, controlled by the distribution agent, which specifies

global portions of each software feature that have been installed on and removed from

the workstation;

a user agent that performs searches in the operating contexts associated with

the plurality of user profiles;

a user catalogue module, controlled by the user agent, which specifies

information on a status of each software feature in each of the operating contexts

associated with the plurality of user profiles;

an authorization list module that includes a series of records each having a first

field identifying a software feature, a second field identifying one or more user profiles

allowed to have this software feature enforced, wherein:

the distribution agent, in response to receiving a software package via the

network interface, executes all the actions of the software package identified as

global actions and updates a status of corresponding software features in the

global catalogue module;

the user agent, in response to an initiation of the operating context

associated with the current user profile, retrieves status information for a

software feature from the global catalogue Module, determines if the current user

profile is allowed to have this software feature enforce, and extracts status

information from the user catalogue module for the software feature of the

software feature is allowed to be enforced for the current user profile;

the user agent compares the status information from the global catalogue

module to the status information from the user catalogue module and determines

if any further action is necessary to enforce the software feature for current user

profile;

the user agent retrieves the instructions needed for enforcing the software

feature for the current user profile if further action is determined to be necessary;

and

the user agent executes the retrieved instructions to thereby enforce the

software feature for the current user profile and updates status information for the

software feature in the user catalogue module.

Reasons for Allowance of claim 21

The following is an examiner's statement of reasons for allowance of claim 21:

the closet prior art of record ((Hoyle and Austin) donot teach nor suggest in detail an

authorization list module that includes a series of records each having a first field

identifying a software feature, a second field identifying one or more user profiles

allowed to have this software feature enforced, wherein:

the distribution agent, in response to receiving a software package via the

network interface, executes all the actions of the software package identified as

global actions and updates a status of corresponding software features in the

global catalogue module;

the user agent, in response to an initiation of the operating context

associated with the current user profile, retrieves status information for a

software feature from the global catalogue Module, determines if the current user

profile is allowed to have this software feature enforce, and extracts status

information from the user catalogue module for the software feature of the

software feature is allowed to be enforced for the current user profile;

the user agent compares the status information from the global catalogue

module to the status information from the user catalogue module and determines

if any further action is necessary to enforce the software feature for current user

profile;

the user agent retrieves the instructions needed for enforcing the software

feature for the current user profile if further action is determined to be necessary;

and

the user agent executes the retrieved instructions to thereby enforce the

software feature for the current user profile and updates status information for the

software feature in the user catalogue module.

(see the enabling portions of Applicant's specification, pages 3-4, and 16-18).   So as

indicated by the above statements, Applicant's arguments have been considered

persuasive, in light of the claim limitations as well as the enabling portions of the

specification.

Response to Arguments

9.   Applicant's Request for Reconsideration filed on 03/15/2006 has been carefully

considered but is not deemed fully persuasive. However, because there exists the

likelihood of future presentation of this argument, the Examiner thinks that it is prudent

to address Applicants' main points of contention.

The prior art reference of Aronberg, Discavage, and the PCT reference have

been removed based on the remarks made by application, naming " the prior art of

record does not disclose a distribution package that includes at least one activity that

defines a user activity associated with at least one user profile and and indication of the

at least one activity is stored on the user computer. New prior art of Hoyle teaches this

limitation and the claim and the combination Hoyle-Austin discloses the claimed

limitations as specified above.

Conclusion

10.   Accordingly, **THIS ACTION IS MADE NON-FINAL**. Any inquiry concerning this communication or earlier communications from examiner should be directed to Jude Jean-Gilles whose telephone number is (571) 272-3914. The examiner can normally be reached on Monday-Thursday and every other Friday from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley, can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-9000.
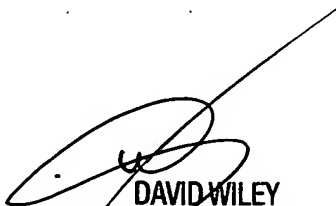

Jude Jean-Gilles

Patent Examiner

Art Unit 2143

JJG

April 7, 2006

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